

12.403 VICTIM OF CRIME NOTIFICATION

References:

- Ohio Revised Code Chapter 2930 - Rights of victims
of criminal
offenses
- Ohio Revised Code 2933.41 - Disposition of property
held by law enforcement
agency
- Ohio Revised Code 2933.42 - Offenses involving
contraband; forfeiture
of property used in
committing violation
- Ohio Revised Code 2933.43 - Procedure for seizure
and forfeiture of
contraband; law
enforcement agency
authorized to use,
destroy, or sell
forfeited contraband;
distribution of
proceeds of sale
- Ohio Revised Code 109.42 - Victim's bill of rights
pamphlet
- United States Code - Violent Crime Control and Law
Enforcement Act of 1994
- Standards Manual - 13.1.5, 55.1.1, 55.1.3, 55.2.3,
55.2.4, 55.2.5,

Definitions:

"Crime" means any Felony or any violation of Ohio Revised Code (ORC) Sections 2903.13 Assault, 2903.21 Agg. Menacing, 2903.22 Menacing, 2919.25 Domestic Violence, and 2921.04 Intimidation of Crime Victim or Witness.

"Victim" means a person who is identified as the victim of a crime in a police report or in a complaint, indictment, or information charging the commission of a crime.

"Notice" under ORC Chapter 2930 will be given to a victim by any means reasonably calculated to provide prompt actual notice. Notice may be oral or written.

Policy:

Comply with state law and adhere to established Police Division procedures in investigation of criminal offenses.

Procedure:

A. When investigating an offense, the victim of the offense, his family, or his dependents must be given a copy of the following:

1. "Your Rights and Responsibilities as a Crime Victim" booklet distributed by the Attorney General of the State of Ohio.
 - a. This booklet can be given to the dependents or the family of the victim if the condition or age of the victim dictates.
2. Telephone number of district or unit that will investigate the offense.
3. Printed list of medical, counseling, housing, and emergency services available to the victim.
4. The business phone number of the Prosecutor of Hamilton County and the City of Cincinnati.
5. Written notification of the victim's right to contact the Police Division to learn the status of the case, if the victim is not notified of the arrest of the offender in the case.

NOTE: The information contained in Subsections 2., 3., 4., and 5. above will be attached to the inside front cover of the Attorney General's booklet.

B. Distribution of the above listed material will be made in the following manner:

1. To the victim, his family, or dependents on the first contact by the reporting officer.
2. If the victim, his family, or dependents are unable to understand the significance of the information, it will be given on the second contact by the officer assigned to investigate the offense.

3. To the victim, his family, or dependents by mail if it was not given on the first contact and there is no second contact in person (includes those specified offenses reported through Telephone Crime Reporting Unit).
 - a. Mailing of information will be the responsibility of the affected district.
 - 1) Responsibility for mailing will be determined by the district commander.
- C. The follow-up investigator will give the victim, his family, or dependents the following information:
 1. The business phone number of the investigator.
 2. Notification when the defendant is arrested and if the defendant is eligible for pretrial release.
 3. A contact phone number of the Police Division to ascertain whether the defendant has been released.
 - a. When an arrest is made at the time of an offense and no investigator is assigned to the case, the arresting officer will give the victim the above listed information.
- D. Property of the victim will be returned as soon as possible to the victim by the Police Division unless one of the following applies:
 1. There is a dispute of ownership.
 2. It is evidence, contraband, or property used in committing an offense as defined in ORC sections listed below:
 - a. ORC Section 2933.41, Disposition of Property Held by Law Enforcement Agency.
 - b. ORC Section 2933.42, Offenses Involving Contraband, Forfeiture of Property Used in Committing Violations.

- c. ORC 2933.43, Procedure for Seizure and Forfeiture of Contraband; Law Enforcement Agency Authorized to Use, Destroy, or Sell Forfeited Contraband; Distribution of Proceeds of Sale.
 - 3. If the defendant in a case files a motion to retain the property of the victim because the property is needed for the defense in the case, the Police Division will retain the property until the court rules on the motion.
- E. The Ohio Department of Rehabilitation and Correction will notify the Criminal Investigation Section (CIS) of a prisoner being placed on electronically monitored early release.
 - 1. CIS will make a blotter entry, and advise the affected district of the electronically monitored prisoner's early release.
 - a. The district receiving the information from CIS will make a blotter entry.
 - 2. The CIS coordinator of the Investigative Supervisors meeting will distribute this information at the next meeting.
- F. The U.S. Courts Probation and Parole will notify CIS of the release of a federal prisoner, convicted of a crime of violence or a drug trafficking crime, from the federal system on a supervised release.
 - 1. CIS will make a blotter entry and advise the effected district of the prisoner's early release.
 - a. The district receiving the information from CIS will make a blotter entry.
 - 2. The CIS coordinator of the Investigative Supervisors meeting will distribute this information at the next meeting.

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